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W.P.No.36350 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.SUNDAR**

and

**THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.P.No.36350 of 2024**

and

**W.M.P.No.39225 of 2024**

in

**W.P.No.36350 of 2024**

K.Ramesh  
S/o.Kandasamy

... Petitioner

Vs.

1. The District Collector  
Perambalur District  
Perambalur.
2. The Revenue Divisional Officer  
Kunnam Taluk  
Perambalur District.
3. The Tahsildar  
Kunnam Taluk  
Perambalur District.
4. The Revenue Inspector  
Vedakalur Taluk, Kunnam  
Perambalur District.

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5. The President  
Vashistapuram Panchayat  
Thungapuram Village  
Perambalur District.

... Respondents

**Prayer :**

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records connected with the impugned proceedings passed by the 3rd respondent vide Na.Ka.No.A2/4107/2023 dated 05.11.2024 and quash the same and consequently, direct the 2nd and 3rd respondents to issue patta in the name of the petitioner with respect to property in Plot No.45 now D.No.1/107, Rettikudikadu, Vasistapuram, Perambalur - 621 716.

For Petitioner : Ms.N.Lavanya  
For Respondents : Mr.M.S.Arasakumar  
Government Advocate

**ORDER**

[Order of the Court was made by **M.SUNDAR, J.,**]

Captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity and convenience} pertains to 'land comprised in Plot No.45 now D.No.1/107, Rettikudikadu, Vasistapuram, Perambalur - 621 716' {hereinafter 'said land'}

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for the sake of brevity, convenience and clarity}.

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2. The allegation is that the writ petitioner has encroached upon said land and put up a construction though said land has been set apart for free housing sites qua Adi Dravidar Welfare Department.

3. Prior to captioned WP, one Mr.C.Sakthivel filed a writ petition in W.P.No.27081 of 2024 seeking action i.e., seeking removal of encroachment qua said land. In this writ petition, one Kandhasamy has been arrayed as R5. It appears that the writ petitioner in the captioned WP is son of this Kandhasamy.

4. This earlier writ petition being W.P.No.27081 of 2024 was disposed of by another Hon'ble Division Bench in and by an order dated 19.09.2022 which is as follows:



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1  
K. P. No. 27081 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 19.09.2024  
CORAM :  
THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE  
AND  
THE HON'BLE MR.JUSTICE P.B. BALAJI

W.P.No.27081 of 2024

C.Salthave .. Petitioner

Vs

1.The District Collector,  
Perambalur District,  
Perambalur,  
2.The Revenue Divisional Officer,  
Kannan Taluk,  
Perambalur District,  
3.The Tahsildar,  
Kannan Taluk,  
Perambalur District,  
4.The President,  
Vashistapuram Pandhaya,  
Thirugaparam Village,  
Perambalur District,  
5.Kandhasathiy .. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to

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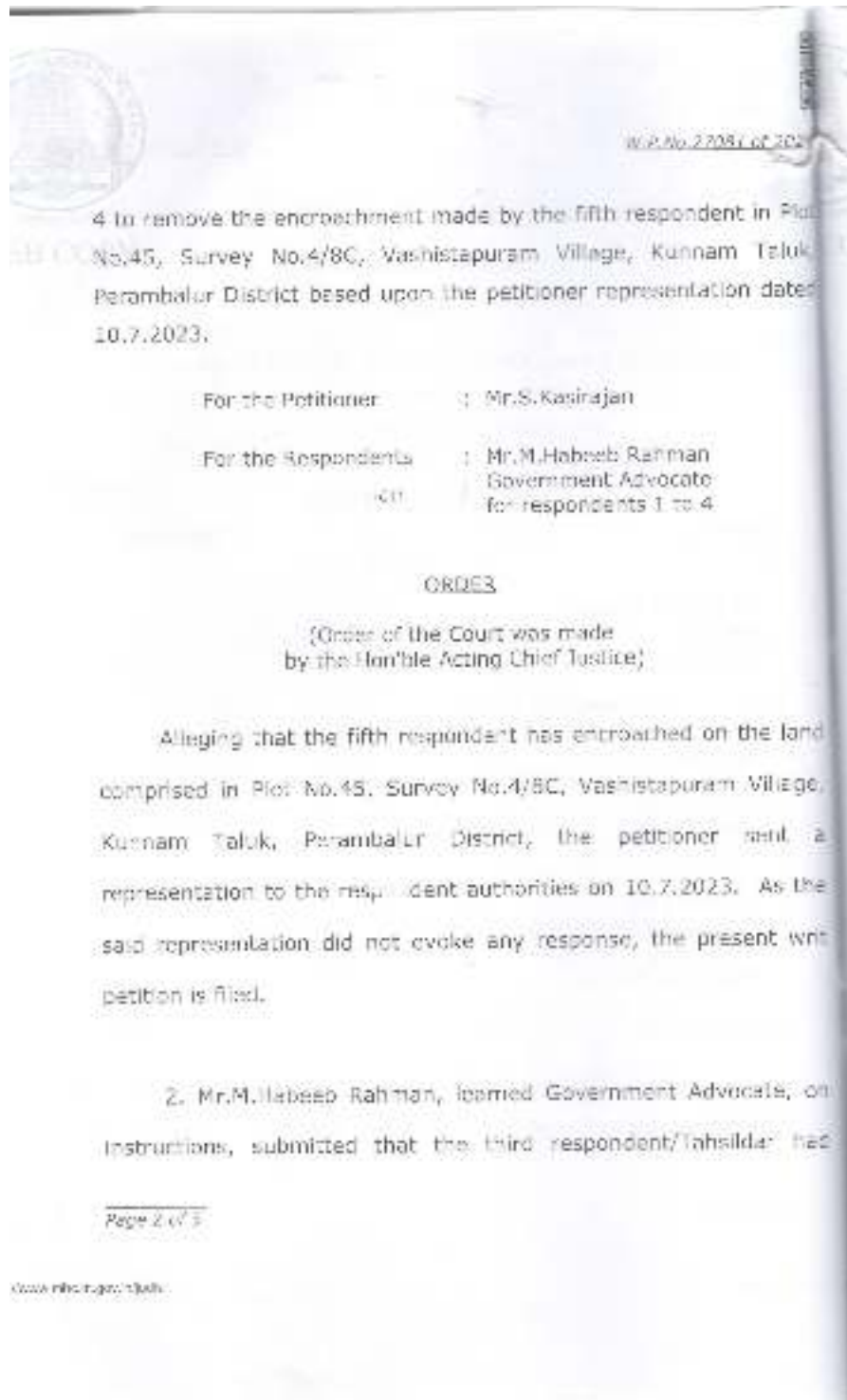
www.mhc.tn



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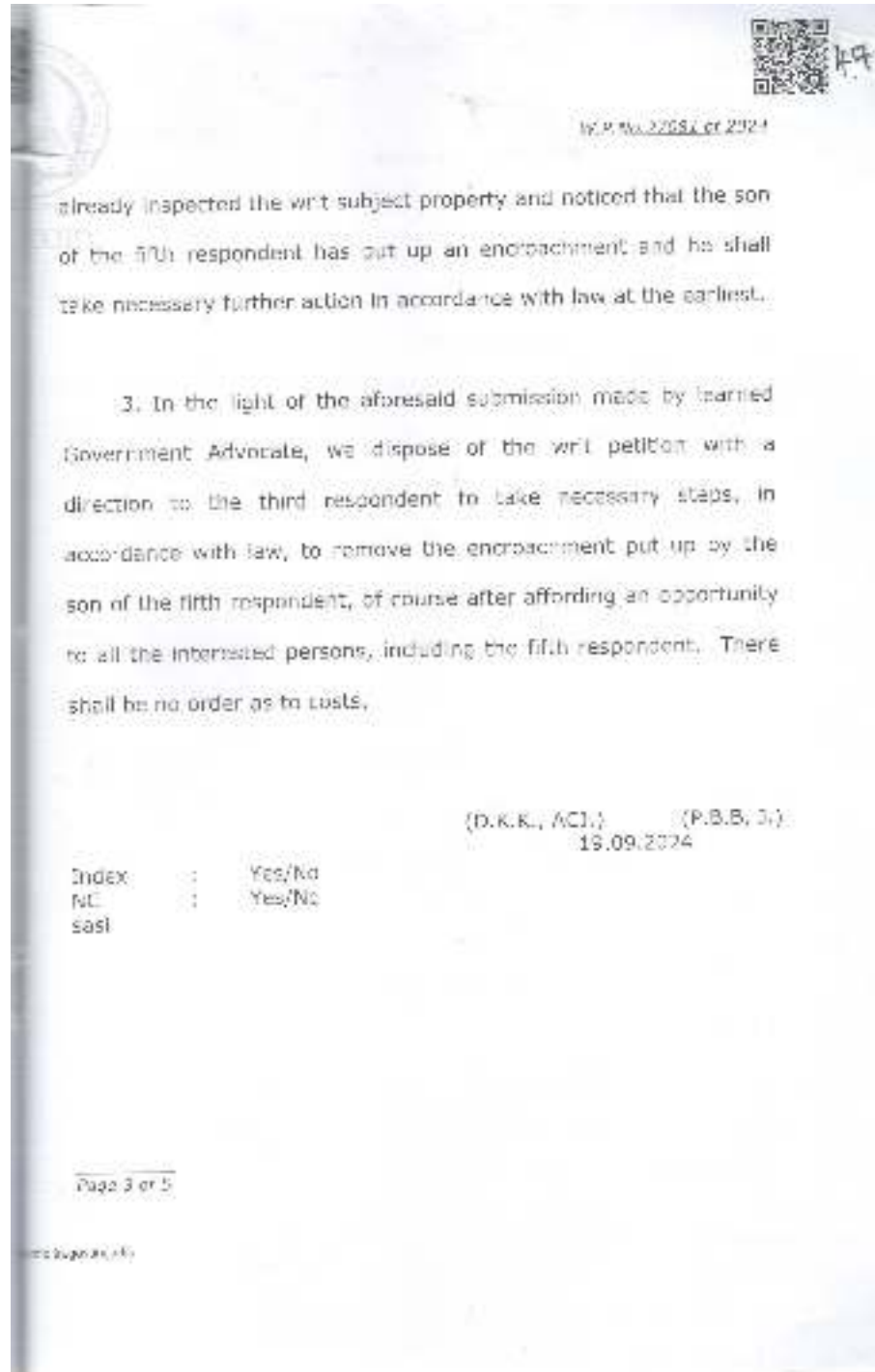




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5. Pursuant to the aforementioned order of another Hon'ble Division Bench, a notice under Section 7 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} being notice dated 10.10.2024 was issued by R4. In other words, writ petitioner was show caused. In response to Section 7 notice, the writ petitioner has sent a communication dated 12.10.2024 which is enclosed in the typed set of papers. Thereafter, R3 has made an 'order dated 05.11.2024 bearing reference Na.Ka.No.A2/4107/2023' {hereinafter 'impugned order' for the sake of brevity}. This means that this impugned order signed on 05.11.2024 by R3 is an order under Section 6 of said 1905 Act.

6. Be that as it may, Ms.N.Lavanya, learned counsel for writ petitioner submits that Section 6 order has been assailed under Section 10 of said Act.

7. This Court has repeatedly held that 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' which is being



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referred to as 'said 1905 Act' is a self contained Code. The reason *inter-alia* is that there is a provision to have the alleged encroacher show caused under section 7 followed by an order (considering the cause shown). The order under section 6 is appealable under section 10 [District Collector is the appellate authority] and there is a provision for further revision to the Government under Section 10-A [Section 10-A(3) to be precise] of said 1905 Act. Pending appeal / revision, there is a provision for making interim prayer vide Section 10-B of said 1905 Act. Therefore, said 1905 Act is a self contained Code in every sense of the expression.

8. Therefore, law has taken its course in accordance with said 1905 Act and that is pursuant to a judicial order being order dated 19.09.2024 made in W.P.No.27081 of 2024 by another Hon'ble Division Bench.

9. In these circumstances, we find no reason whatsoever to interfere in the captioned WP.



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**WEB COPY** Ergo, the sequitur is, captioned WP fails to pass muster in the Admission Board and the same is dismissed. Consequently, Writ Miscellaneous Petition perishes with the captioned WP and the same is also dismissed. Considering the nature of submissions made, this Court refrains itself from imposing costs.

**(M.S.,J.)**

**(K.R.S.,J.)**

04.12.2024

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

*mk*



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1. The District Collector  
Perambalur District  
Perambalur.
2. The Revenue Divisional Officer  
Kunnam Taluk  
Perambalur District.
3. The Tahsildar  
Kunnam Taluk  
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Thungapuram Village  
Perambalur District.



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**M.SUNDAR, J.,**  
**and**  
**K.RAJASEKAR, J.,**

*mk*

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**04.12.2024**

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